



Pharmacy Quality Assurance Committee
Pharmacy Business Practices Committee
Chair's Report to Commission – March 12, 2015

January 29, 2015: The committee meeting was cancelled because the PQAC Business Meeting went longer than anticipated.

February 10, 2015 Committee Meeting: The Committee had a preliminary discussion of Joyce Roper's January 26 memo on Regulatory Authority for Licensed Business Entities (which was released from Attorney – Client privilege by the full Commission on January 29). The Committee also reviewed the formal questions that had been posed to the Department of Labor and Industries on issues related to hours, lunch breaks and rest breaks, in preparation for a meeting with an L&I representative. Finally, Steve Anderson offered to take the lead in reviewing other states' laws (statute and rules) in areas under consideration by the committee.

February 26, 2015 Committee Meeting: This was an important meeting for the Committee's exploration of the current situation related to business practice issues.

- Discussion with Joyce Roper resulted in shared understanding of her January 26 memo. This included confirmation of existing legal authority for the Commission to proceed to enforcement if a licensed pharmacy related business shares responsibility for violation ("violated or permitted any employee to violate" of a pharmacy law). Disciplinary sanctions could include negotiated settlements (not including fines), such as compliance with a plan of correction, that are lesser than suspension or revocation of the license. It may be that modification of rules is not necessary or fruitful to build on this existing legal framework, though it may be necessary to approach investigation, charging and settlements with added emphasis on the role of firms in order to address "shared responsibility" more completely than has been usual practice. Some discussion beyond the January 26 memo focused on oversight of non-resident pharmacies. Here, there might be a role for rule-making, for example if it were desired to add a requirement for Washington licensing of the Pharmacist in Charge (as exists for a resident pharmacy).
- David Johnson, Wage and Hour Technical Specialist from the Department of Labor and Industries, met with the committee to respond to questions posed. Requirements for meal and rest periods are established under authority of the state Industrial Welfare Act (RCW 49.12), which incorporates by reference certain exemptions from covered employees that actually originate in separate state law on minimum wage and overtime (RCW 47.45 and related rules). If appears that State laws about meal and rest breaks do not apply to most pharmacists due to the exemption of "professionals" as defined in WAC 296-128-530. There may be some exceptions to this general statement, but for the most part it would take a change in L&I rules to alter the professional exemption. The situation for pharmacy technicians and assistants is different; by and large they would not be exempted from meal and rest break requirements.